THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.22949 OF 2005

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Between:

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D.Devadanam

.. Petitioner

and

The General Manager and others

.. Respondents

.. Respondent

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THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.22949 OF 2005

ORDER:

The petitioner was employed as a General Mazdoor in Singareni Collieries, on 14.10.1982. In the service records, his date of birth was entered as 15.10.1945. He was issued an advance intimation on 01.09.2004 stating that he would attain the age of superannuation of sixty years on 15.10.2005 and that he was retired from service with effect from 31.10.2005.

The petitioner states that his actual date of birth is 31.05.1949 and though he made a representation on 05.10.2005 in this regard, no action has been taken. He further states that he enclosed the copy of transfer certificate issued to him, which contains the actual date of birth and that the date of birth was entered in the service records without any intimation and information to him.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

More than two decades ago, the petitioner was appointed as General Mazdoor. The petitioner does not assert that he produced any proof of his date of birth at the time of employment. Having regard to the nature of the post, the respondents have entered the date of birth on the basis of the medical certification. Had the petitioner produced the alleged transfer certificate or any other proof either at the time of appoint or at a subsequent stage, the respondent would certainly have taken the same into account.

In all fairness, the respondents have intimated to the petitioner one year one month, in advance, about the date of his retirement. If really the petitioner had any proof about his date of birth, he ought to have taken immediate steps. He waited till the date of retirement approached and it was only on 13.10.2005 that he submitted a representation stating that his date of birth is 31.05.1949. The alleged transfer certificate itself is in a very damaged condition and most part of it is torn off. At this late hour, the petitioner cannot be granted any relief and no exception can be taken to the impugned proceedings.

Hence, the writ petition is dismissed. There shall be no order as to costs.

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28.10.2005

kdl